

Introduced by Senator Leno

February 19, 2016

An act to add Section 23826.13 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1285, as introduced, Leno. Alcoholic beverages: licenses.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act also provides for a limitation on the amount of on-sale general licenses that may be issued by the department based on the population of the county in which the licensed premises are located, as provided.

This bill would, beginning January 1, 2017, provide an exception to this limitation for a county of the 6th class, as specified, for 28 new original special on-sale general licenses for bona fide eating places for premises located within specified census tracts in that county, subject to specified requirements.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23826.13 is added to the Business and
- 2 Professions Code, to read:

1 23826.13. (a) Notwithstanding any other provision of this
2 chapter, in any county of the sixth class, the department may issue
3 no more than a total of 28 new original special on-sale general
4 licenses for bona fide eating places beginning on January 1, 2017.

5 (b) To qualify for a license issued pursuant to this section, the
6 premises for which the license would apply shall be located within
7 one of the following United States Bureau of Census census tracts
8 located within the City and County of San Francisco, subject to
9 the following limitations:

10 (1) For United States Bureau of the Census census tracts 612000,
11 232000, 234000, 233000, and 230030, no more than a total of four
12 new special original on-sale general licenses for bona fide eating
13 places shall be issued to premises located within all of these tracts.

14 (2) For United States Bureau of the Census census tracts 258000
15 and 257020, no more than a total of four new special original
16 on-sale general licenses for bona fide eating places shall be issued
17 to premises located within both of these tracts.

18 (3) For United States Bureau of the Census census tract 264030,
19 no more than a total of four new special original on-sale general
20 licenses for bona fide eating places shall be issued to premises
21 located within this tract.

22 (4) For United States Bureau of the Census census tracts 255000,
23 256000, 260020, 260010, 260040, 261000, and 263010, no more
24 than a total of four new special original on-sale general licenses
25 for bona fide eating places shall be issued to premises located
26 within all of these tracts.

27 (5) For United States Bureau of the Census census tracts 309000,
28 310000, and 312010, no more than a total of four new special
29 original on-sale general licenses for bona fide eating places shall
30 be issued to premises located within all of these tracts.

31 (6) For United States Bureau of the Census census tracts 330000,
32 329010, 328010, 353000, and 354000, no more than a total of four
33 new special original on-sale general licenses for bona fide eating
34 places shall be issued to premises located within all of these tracts.

35 (7) For United States Bureau of the Census census tracts 328020,
36 329020, 351000, and 352010, no more than a total of four new
37 special original on-sale general licenses for bona fide eating places
38 shall be issued to premises located within all of these tracts.

39 (c) In issuing the licenses pursuant to this section, the department
40 shall follow the procedure set forth in Section 23961. A license

1 shall not be issued pursuant to this section to an applicant until
2 any existing on-sale licenses issued to the applicant are canceled.

3 (d) (1) An applicant who currently holds a valid on-sale general
4 license for a premises shall not apply for a license issued pursuant
5 to this section for that licensed premises.

6 (2) An applicant seeking a license pursuant to this section shall
7 comply with the notice requirements established in Section
8 23985.5.

9 (3) Prior to submitting an application for a license issued
10 pursuant to this section, the applicant shall conduct a minimum of
11 one preapplication meeting to discuss the application with
12 neighbors and members of the community within the census tract
13 in which the premises are located.

14 (A) The applicant shall hold the meeting either on the premises
15 or at an alternate location within a one-mile radius of the premises.

16 (B) The applicant shall mail notification of the preapplication
17 meeting to all of the following individuals and organizations at
18 least 14 calendar days before the meeting:

19 (i) Each resident within a 500-foot radius of the premises for
20 which the license is to be issued.

21 (ii) Any relevant neighborhood associations for the
22 neighborhood in which the premises is located, as identified on a
23 list maintained by the Planning Department of the City and County
24 of San Francisco.

25 (iii) The Chief of Police for the San Francisco Police
26 Department.

27 (C) The department shall require the applicant to submit
28 documentation of the completed preapplication meeting as part of
29 an application for a license issued under this section.

30 (e) (1) A license issued pursuant to this section shall not be
31 transferred between counties.

32 (2) A license issued pursuant to this section shall not be
33 transferred to any premises other than the premises for which the
34 license was originally issued. This provision shall not apply to any
35 licensee whose premises have been destroyed as a result of fire or
36 any act of God or other force beyond the control of the licensee,
37 for whom the provisions of Section 24081 shall apply.

38 (3) A license issued pursuant to this section shall not be
39 transferred to any person, partnership, limited partnership, limited

1 liability company, or corporation. This provision shall not apply
2 to licenses transferred under Section 24071, 24071.1, or 24071.2.

3 (f) Upon the cancellation of any license issued pursuant to this
4 section, the license shall be returned to the department for issuance
5 to a new applicant following the procedure set forth in Section
6 23961 and the provisions of this section.

7 (g) A person that holds a special original on-sale general license
8 for a bona fide public eating place issued pursuant to this section
9 shall not exchange his or her license for an on-sale license for
10 public premises.

11 (h) A special on-sale general license for a bona fide eating place
12 issued pursuant to this section shall not, with respect to beer and
13 wine, authorize the exercise of the rights and privileges granted
14 by an off-sale beer and wine license.

15 (i) The department shall adopt rules and regulations to enforce
16 the provisions of this section.

17 SEC. 2. The Legislature finds and declares that a special law
18 is necessary and that a general law cannot be made applicable
19 within the meaning of Section 16 of Article IV of the California
20 Constitution because of the unique distribution and market
21 conditions of liquor licenses in the City and County of San
22 Francisco, that apply only to the City and County of San Francisco.